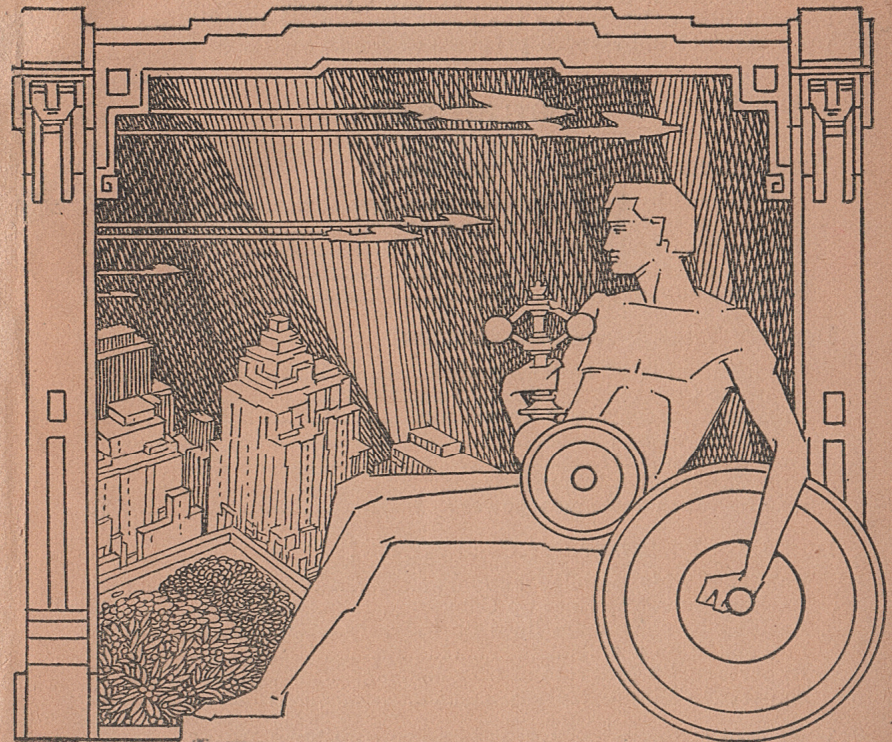


Roosevelt *and* The Constitution

Prayer
By SELDEN SMYSER
Edgar W. Dale



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UNIT STUDY BOOKLET No. 20

MODERN PROBLEM SERIES

ROOSEVELT AND THE CONSTITUTION

OR

Have We Scrapped the Constitution?

By SELDEN SMYSER, of Washington State Normal School,
and

EDGAR H. DALE, of Ohio State University

This pamphlet is not written to be read, believed, and remembered, but rather to be *read, understood, and tested*. If you understand it and if it stands your tests of reliability the authors believe that its ideas may help to make you and your generation more resourceful and more inventive in the field of social devices than the present mature generation has been. Its ideas may help your generation to solve some of the problems that have been brought into existence by the great mechanical intelligence and the somewhat unbalanced progress of recent years.

OUTLINE INDEX

	PAGE
WHAT MAKES ROOSEVELT OUTSTANDING?	
Not swayed by tradition and precedent.....	4
An expert in the art of popular appeal.....	4
Full of vim and vigor.....	5
Is he a dictator?.....	6
Shall we support him?.....	6
DOES HE VIOLATE THE CONSTITUTION?	
Constitution must be interpreted.....	7
Supreme Court interprets it by decisions.....	7
President interprets it by actions.....	7
It is changed by custom.....	8
How flexible is it?.....	8
How Roosevelt interprets it.....	9
Has he taken too much power?.....	10
HOW DOES ROOSEVELT GET CO-OPERATION?	
Publicity wins popular support.....	11
Backing by voters lines up Congress.....	12
Backing by consumers lines up industry.....	12
Patronage as a club.....	12
Experts and a program of action.....	13
Experts in administration.....	14
WILL THE CONSTITUTION SUFFER FROM THE NEW DEAL?	
Times must change.....	16
Constitution must be brought up to date.....	16
The newer point of view.....	17
Elements of danger.....	17
STUDY SUGGESTIONS AND READING LIST.....	19

"The provisions of the Constitution are not mathematical formulas having their essence in their form; they are organic, living institutions. . . . Their significance is vital, not formal. It is to be gathered not simply by taking the words and a dictionary but by considering their origin and the line of their growth. The case before us must be considered in the light of our whole experience and not merely in that of what was said a hundred years ago."—JUSTICE OLIVER WENDELL HOLMES.

Roosevelt and the Constitution

CENTRAL CITY HIGH SCHOOL was all astir. For weeks the students had talked about little else than what President Roosevelt had done, what he was doing, and what he might do next. Every day the classes in history, civics, economics, and sociology brought up new and interesting questions about the President and his program. No sooner was one question answered, however, than a dozen more arose to take its place. In fact, the questions were so numerous that the teachers couldn't keep up with them. They, too, had questions to ask. They wanted to know, for example, just what it was that made Franklin Roosevelt stand out from some of the other Presidents.

Is he a dictator, as some people accuse? Is he taking more power than a President is entitled to? Does he violate the Constitution by some of his actions? If he does, shall we wink at these violations, or should we oppose them? Why was it that President Roosevelt got action from Congress, while some of the other Presidents got arguments only? What did they mean by the term "patronage"? By the "brain trust"?

These and a hundred other questions had to be answered. And now, at the invitation of the principal, a noted professor of political science from the University was to visit the Central City High School to discuss these questions with them. Was it any wonder that everyone was eager with anticipation?

When the professor arrived, the principal called everyone into the auditorium. Together with the principal, he walked up on the speaker's platform. In his hand the professor held a great many little slips of paper. Everyone knew just what those slips were, for they had been asked to write their questions and turn them in. After the introduction, the professor began to speak. He read the first question:

What Makes Roosevelt Outstanding?

"His actions make him stand out," replied the professor. "Indeed, from the time Mr. Roosevelt made his dramatic airplane flight from New York to Chicago to accept the Democratic nomination for President, everyone in the country recognized that there was something unusual about him. In his own State, of course, the story of his political rise, his tremendous handicap resulting from infantile paralysis and his efforts to overcome it, and his activities as Governor of the State of New York had marked him as a remarkable man, a man that even then was being hailed as a probable candidate for the Presidency of the United States.

"Why was it that this flight was so significant? For one thing, it showed right at the start that Mr. Roosevelt cared little for tradition and precedent. If he had, then as soon as he had learned of his nomination, he would have stayed in New York, issued some harmless statement to the press, and waited for several months to be notified officially that he was nominated, whereupon he would formally have accepted.

His Command of Public Opinion

"His use of publicity, too, indicates that he is an expert in the art of popular appeal. Do you remember his inaugural address? It was so brief that almost every paper in the country carried the complete text on just a part of the front page. The inaugural speeches heretofore had been long, dry, and wearisome. They filled up two or three inside pages of the newspaper and

almost no one read them. Next, Mr. Roosevelt wrote a book. He called it *Looking Forward*. Here he wrote down, for those who wanted more details, some of his ideas, aims, and objectives. He even went so far as to say that we cannot make our economic system endure for long 'unless we can bring about a wiser, more equitable distribution of the national income'. In other words, wages would have to be higher and profits would have to be smaller. This was certainly remarkable. For a politician to make anything but vague remarks was almost unheard of.

"Mr. Roosevelt's use of pictures and newsreels, too, is notable. Have you noticed how he always wears a broad, pleasant smile? Did you notice the old clothes, the battered straw hat, and the inexpensive boat which he used on his boating trip? You remember the visit he made to the boys' reforestation camp, when he stopped to have dinner with them? It is just this use of publicity which has built up the great degree of public confidence which he has. He seems so friendly. There's nothing of the dry, dignified, and mysterious manner of many so-called statesmen. And the public likes it.

Action!

"In still another way Mr. Roosevelt is notable. His actions, his words, his tone of voice—everything about him seems to be full of vigor. Last March when the State Governors right and left were declaring bank holidays; when people were panicky with fear for their money and their possessions; and when millions of dollars were being hoarded, President Roosevelt came forward with a vigorous and spectacular proclamation declaring a bank holiday for every bank in the country. He followed it up immediately with a series of conferences. The people were kept in touch with events through the newspapers. All statements were brief and to the point. And finally, when everything seemed to be well under control, a radio appeal to the entire nation was made in order to enlist confidence.

Speed

"Everything was being done with such lightning-like rapidity; new laws were going through Congress at an unheard-of rate of speed; and the new President's vigor was so amazing that people began to ask this question: Is Roosevelt a dictator? Now this is a very important question. It is true that he met little or no opposition from his first Congress. It is true that during the time of crisis he had tremendous popular support. It is true that he obtained more power from Congress than has ever been given any President during time of peace.

Is He a Dictator?

"During the war, when Wilson was President, it is said that he exercised dictatorial powers. After the war, however, when the patriotic fervor had died down somewhat, there was considerable opposition to President Wilson's policies. Many industrial leaders resented what they termed government interference. The question as to whether or not Roosevelt is a dictator is important because the very same thing which happened after the war may happen again after the economic emergency is over. We must admit that no other President has ever gone so far in the attempt to regulate the hours, wages, and working conditions of so many millions of people. On the other hand, we can safely say that if the governments of Mussolini in Italy and Hitler in Germany are dictatorships, then we in this country do not have one. Congress can still limit or extend the President's powers. The Supreme Court can still declare legislation unconstitutional. And voters, by the use of their ballots, may still quietly choose a different President, if they wish.

Should We Support Him?

"People are going to ask themselves whether they should continue to support the President. If they look at the problem sensibly, they will think over the powers which he has taken. They will observe the reaction of

the next Congress to the President's program. And they will study out for themselves the question of whether or not he has taken more power than he should. Then, and only then, will they be qualified to decide whether to support him or not. This leads us to the next big question:

Does He Violate the Constitution?

"Here, too, is a question," continued the professor, "which cannot yet be answered with an out-and-out 'yes' or 'no'. It may be, as Jefferson said of himself, that Franklin Roosevelt has 'stretched the Constitution until it cracked'. A few would say that he not only stretched it and cracked it, but that he folded it up and tore it to bits.

"Someone, however, must interpret the Constitution. It says, for example, that a man cannot be deprived of his property without due process of law. Well, just what does this mean? If you ask the first man you meet this question, he will probably say that it is the job of the Supreme Court to decide what it means; that its meaning depends upon the particular circumstances of the case at court. For example, Congress has the power to control interstate commerce. But what is commerce? Such a question must be decided by the Supreme Court.

"Yet the Constitution may be interpreted in still another way—it may be interpreted through the executive acts of the President. If we feel that the President has no right to interpret the Constitution in such a way, then not only Franklin Roosevelt but nearly every other President before him has violated it. There was no provision in the Constitution, for example, which provided that George Washington should organize a Cabinet. In fact, a Cabinet is not even mentioned in it. Again, there is no place in the Constitution where it provides that a President shall not serve more than two terms. Yet these precedents have become so fixed that they are just as effective as if they were written into the Constitution in so many words.

"Custom, too, has changed the meaning of the Constitution. According to that document, Presidents must be elected indirectly through the Electoral College. As a matter of practice, however, the President is elected by a direct popular election, although we still go through the motions of mechanically allowing the Electoral College to vote for him. The Constitution says nothing of the party system. It says nothing of national party conventions. Yet these things could not have been more effectively continued had Madison himself written them into the Constitution.

Is the Constitution Out of Date?

"At the present time there are those who feel that the Constitution is out of date. They feel that it was written in a time when we were an agricultural nation and that the entire spirit of the Constitution is one which can apply only to an agricultural nation. In addition, they believe that to stretch the Constitution in such a way as to make an eighteenth century document fit twentieth century conditions means really to discard it—to rip it apart and sew it together in such a form that its original features are destroyed. The thing to do, they say, is not to keep patching it up but to write up an altogether new and modern Constitution.

"On the other hand, there are authorities like Justices Holmes, Cardozo, and Brandeis and, probably, Chief Justice Hughes, who regard the Constitution as flexible and adaptable to changing times. Judge Brandeis, for example, believes the Constitution 'has not lost its capacity for expansion to meet new conditions, unless it be interpreted by rigid minds which have no such capacity'. Instead of amending the Constitution he would amend men's economic and social ideas. So we can understand, now, why some members of this group feel that the Constitution can be changed without amendment by a series of executive acts in line with social trends as well as by court interpretations and custom.

How Does Mr. Roosevelt Think of the Constitution?

"The next question which comes up is this: Does President Roosevelt belong to the first group, which believes the Constitution is fairly rigid, or to the second, which believes it is rather flexible? From his very actions, we can say without a doubt that he belongs to the second group. Just what has he done to make us say this? In what ways has he interpreted the Constitution by his actions? For one thing, the Constitution makes no mention of a 'brain trust' just as the Cabinet itself is not mentioned. Yet Roosevelt proceeded to organize one. Again, the Constitution provides that Congress shall write the laws and the President shall execute them. This meant, at one time, that he had the power to punish those who did not obey the laws. The punishment, of course, was provided in the law. Mr. Roosevelt has interpreted this to mean that the President has not only the power to punish for the breaking of laws, but also the power to see to it that the laws are obeyed.

"Then, too, under his leadership, we have had a remarkable increase in a newer type of legislation—*permissive* or *administrative* laws. In other words, the laws of this sort give the President power to use his own judgment. Most of the recovery legislation was of this kind. The bill for inflation, for example, gave him a choice of four different methods; he could choose any, all, or none. In addition, his administrative powers were increased. Instead of creating a lot of boards and commissions and spreading out the responsibility—which makes it very easy to 'pass the buck'—Mr. Roosevelt has tried to centralize both authority and responsibility. The city manager plan of local administration corresponds roughly to the type President Roosevelt is building up for the Federal Government.

Is the President 'Making' the Laws?

"Does the Constitution give the President the power to make laws? Not in so many words. Yet the N. R. A. code agreements between the President and various

industries have the force of laws and may be enforced by the President. Think what this means! Again and again we have tried to pass federal laws abolishing child labor. England has been trying to wipe it out for more than a century. In our own country, Congress twice passed national child labor laws, but the Supreme Court declared them unconstitutional. A constitutional amendment on the subject has been hanging fire ever since. In the cotton industry in this country, until 1933, child labor stood out like a livid scar against our employers. And then, with a stroke of the pen—the signing of the cotton code—it was abolished. In short, the President, with popular support and the coöperation of employers, has accomplished in six months what Congress had failed to do in years.

“Does it say anywhere in the Constitution that the President may appeal directly to the public for support? Of course not. Newspapers, when the Constitution was written, were strictly local affairs. Who could have dreamed at that time of news flashes which would cover the world in a few hours? Who could have dreamed that a President could talk over the radio to a hundred million listeners at once? These things were unknown. As a matter of fact, the authors of the Constitution were afraid to trust the common people; otherwise, why should they provide that the President should be elected indirectly?

Has He Taken Too Much Power?

“In dozens of other ways, the President has interpreted the Constitution through his actions. The question which now arises is this: Has he taken too much power? He swore that he would, to the best of his ability, ‘preserve, protect, and defend the Constitution of the United States’. Has he violated his oath of office? Does ‘preserve’ mean to follow the Constitution strictly to the letter, or does it mean to keep it fresh and up to the times? If it means ‘stick to the letter’, then Mr. Roosevelt, along with a great many other Presidents,

has not only violated the Constitution but his oath of office as well. If it means ‘keep it fresh and modern’, Roosevelt has probably been more active in his efforts to ‘preserve’ than any other peace-time President.

“Has it been absolutely necessary that Roosevelt take this point of view? Should he be allowed to have so much authority? Can he get the necessary national coöperation in any other way? In order to answer these questions, let us see how he does get Congress, industry, and the public to work together. In other words, we come to this question which one of you has asked:

How Does Roosevelt Get Coöperation?

“I have already pointed out,” the professor continued, “the very great emphasis which Mr. Roosevelt places on the radio, the newspapers, and other forms of publicity in order to secure popular support. How does he use this to get the support of Congress and the support of industry? When it comes to the problem of keeping Congress in line with his program, if the President has millions of voters behind him, here’s the way he might handle a Senator or Representative who opposes him on some particular bill. He could call him into his office and say: ‘Mr. Congressman, the voters of your district want this bill to pass. You have been voting against it. If we publish the names of those who vote for and against it, the voters from your district might not like to learn that you have been opposing me. In fact, they might even decide that they want a new Congressman.’ Pressure of this sort can sometimes be very effective.

Getting Consumers’ Support

“Now all voters are consumers as well. If the President can say that the consumers are backing him up, he holds a whip in his hand which may be used against business men, if necessary. In the N. R. A. drive, President Roosevelt depended very largely on consumer support. He knew very well that unless he got it, the drive was doomed to failure. He knew, in addition, that even though he did get it, success was not necessarily sure.

In any case, there is little doubt that the pressure of public opinion helped him to line up the steel industry, the coal industry, and others which were a trifle slow in writing up satisfactory codes. He could say to those leaders, for example: 'Nearly everyone in the country is shouting to the world that "We do our part". How about you? How are you going to explain to your customers, to your consumers, that you haven't come in under the blue eagle? Do you intend to let everyone think that you are not going to do your part?' And so the President can use pressure in this fashion to force coöperation, if necessary.

How Did He Control Congress?

"We must not lose sight of the fact that with his first Congress, Mr. Roosevelt was very fortunate in having strong majorities both in the House of Representatives and in the Senate. As a result, there seemed to be magnificent teamwork between Congress and the President. The amount of pioneering legislation passed in the special session of 1933 was never before equalled. However, Mr. Roosevelt had still another method of obtaining the coöperation of Congressmen. This was through his undistributed patronage. Nowadays, when a new President takes office, he can appoint upward of eighty thousand individuals to federal positions.* The distribution of these jobs is called patronage. After President Roosevelt came into office, instead of immediately passing out these jobs, he called Mr. Farley, formerly his campaign manager and now Postmaster General, and said in effect: 'Jim, I'm going to let you give out these jobs, but I don't want them handed out until we've put our program through Congress.' Why did Roosevelt say this? Simply for this reason: So long as there were jobs to be filled, and so long as there were Congressmen trying to place their men in those jobs, the

* A federal "patronage census" recently made by the Civil Service Commission showed that 81,000 jobs were at the disposal of the President. Emergency legislation passed by Congress in 1933 added 35,000 to 40,000 more federal positions which were outside the civil service.

President had a nice, big club in his hand which he could use if he wished.

"It has been the custom for many years for the President to consult with the Congressmen about placing men in positions, especially positions in the Congressmen's own districts. Suppose one of the Congressmen should come into Roosevelt's office and say: 'Mr. President, I am very anxious to see Mr. John Smith appointed Postmaster of my home town. I think he is a very good man for that position.' Then the President might say this: 'I'd like very much, Mr. Congressman, to appoint Mr. Smith; but you've been voting against one of the administration bills in Congress. I'll meet you halfway. If you'll give me your support on that bill, I'll see to it that Mr. Smith is appointed.' And in this fashion, the undistributed patronage served as a club in Roosevelt's hand so long as Congress was in session.

How Did Roosevelt Put Together the 'New Deal'?

"In order to secure national coöperation, one of the first essentials is a good, sensible program of legislation and of action. When Hoover was President, everyone was clamoring for help. And when Roosevelt came into office they were still clamoring. The farmers wanted relief because they were in distress. The bankers wanted something done in a hurry because their depositors were getting panicky over their money. The unemployed marched to Washington to ask for jobs. The war veterans felt that now was the time to pay them their bonus. Everybody wanted something done and something had to be done.

His Use of the 'Brain Trust'

"There is no one man living who is wise enough to work out a legislative program which would satisfy everyone. Mr. Roosevelt might be a wizard at politics. That didn't mean, however, that he himself could solve the farm problem. Realizing this, he appointed people to federal positions who were experts in some partic-

ular field. Many of them were college professors. When he wanted a program to aid the farmers, he called in some of these experts, like Henry Morgenthau, Jr., Rexford Tugwell, and Mordecai Ezekiel, whom he had given positions in the Department of Agriculture. With their help, he could draw up some plan of aid. When he wanted a program for labor, he called on his Secretary of Labor, Frances Perkins, and Leo Wolman, and Isador Lubin—all experts. When he wanted something done about the money problems, he called on the foremost professors of money and banking in the country, and discussed the problems with them. When he learned that some of the wheels of our economic machinery were going in opposite directions; that agriculture, finance, industry, and government were not working together, he called on men like Bernard Baruch and Hugh Johnson, who had the task during the war of making them work together. In fact, Roosevelt brought so many experts together and so many of them were college professors that someone nicknamed them the 'brain trust'.

Is the Brain Trust a New Thing?

"Is there anything unusual about calling on experts and college professors for help? Not at all. Many Presidents had done the very same thing before. Why is it, then, that no one had coined the phrase 'brain trust' before? Simply this: the thing that is so unusual about Roosevelt's aides is the way he uses them—not the fact that they are professors and experts. Presidents before him had called in their experts to make great reports on social and economic problems. They were asked to gather information, to organize great masses of knowledge, and to present them as a basis for legislation. While Herbert Hoover was President, a tremendous piece of research, carried on almost entirely by college professors, resulted in the report entitled *Recent Social Trends in the United States*. Prior to this report another excellent study on *Waste in Industry* was made by a committee of the Federated Engineering Society.

In many cases, however, no action was immediately planned after the reports were issued. Whereas they served as excellent bases for legislation, the needed legislation was not forthcoming.

"Mr. Roosevelt decided that something was wrong. He wanted his experts not for advice only; he wanted them to help him get things done. He invited them to help him draw up legislation. And he appointed them to positions in which they could help put that legislation into action.

Is He Playing Politics?

"Another thing which is a bit surprising is Mr. Roosevelt's apparently nonpartisan attitude in selecting his experts. He seems to ask himself, before appointing one, 'Is this man the best man I can get for the job?' A few of the Democrats are howling with dismay at some of these appointments. Roosevelt has not always asked himself the question, which they believe to be more important: 'Is this man a good Democrat?' He even went so far as to seek aid from the very same men that Hoover, a Republican, used. Professor William F. Ogburn, who directed the research for Hoover's study on social trends, was one of them. Every now and then a straight-laced Democratic politician is completely bowled over by a Roosevelt appointment.

"We have reviewed some of the methods which the President has used to secure coöperation and the way in which these methods affect his administration. We have confessed that he has taken an extremely liberal view of the Constitution in order to make those methods effective. The question which again bobs up is whether or not it was necessary that he take so much authority on himself. During the period of economic crisis—at the time when we seemed to be on the verge of a complete economic collapse — powers equalling war-time powers had to be given the President. But when the period of crisis and depression is completely over, shall we look to him to give up some of his powers, or will it

be necessary for him to extend them so that he can maintain order? Suppose we allow him to continue to interpret the Constitution as liberally as he has in the past. Would this be wise or would it be foolish? We come now to the biggest and most important question of all:

Will the Constitution Suffer from the New Deal?

"In discussing this question," the professor pointed out, "we must recall the two different views taken of the Constitution. One group of people, which we might call the literal group, believes in following the Constitution strictly to the letter. The intent of the framers of that document at the time they wrote it—this is to be their guiding principle in interpretation.

"Suppose for the moment we take their point of view and ask whether the Constitution will suffer from the New Deal. We must admit, whether we want to or not, that if we write up a Constitution today and read it a hundred years later, the words are going to be absolutely the same. We've got to confess, also, that no matter what we do, the times—our social and economic and religious and political life—are going to change a great deal in a hundred years! Remarkable changes have taken place in less than ten-year periods. So, if the Constitution is to serve as a basis for regulating our lives, and if the Constitution remains constant while living conditions change, then there is going to be trouble. The only thing we can do is somehow to bring the Constitution up to date. Very well. The Constitution provides a way of change and this is through the process of amendment. If that is not satisfactory, then the thing to do is to call a national constitutional convention and draw up a new one. Perhaps it might be wise to draw up a new one every ten years or so. But to write up a document and have it mean one thing at one time and something else at another time is a distinct violation of that document.

"Now the words in the Constitution mean something

vastly different to Franklin Roosevelt from what they meant to George Washington. There is, in fact, a tremendous difference between the meaning which Roosevelt gets and that which Hoover got. Instead of changing the words of the Constitution to bring them up to the times, Roosevelt has tried to interpret them in such a way as to make them more modern. Therefore, *according to this point of view*, the Constitution has already suffered from the New Deal. According to this point of view, if we allow Roosevelt to continue in the direction in which he has been going, the Constitution will become only a worthless scrap of paper.

What Is the Other Viewpoint?

"The second group, which we may call the liberal group, recognizes the fact that the times change rapidly. They realize, too, that the Constitution must somehow or other be kept up with the times. They thoroughly understand the process of amendment. Then why is it that Roosevelt, some of our judges, and others try to change the Constitution by reading different meanings into its words? Roosevelt, for example, has taken the same Constitution which Hoover used and organized an altogether new form and kind of government—a government with very much greater power over the individual. He has organized a government which has more power in some ways than Congress can ever possess under the Constitution. By what process of reasoning can he do this? He argues that one of our chief troubles heretofore is that our system of control—the rules and regulations—has lagged behind the times. The process of amendment takes years and years. Even court interpretations which might modernize the Constitution are very slow. Therefore, the thing to do is to interpret the Constitution so as to bring it right up to the minute. Then, if the Court decides that some of the things which he has done were unconstitutional, he can back down a bit.

"Changes Would Have Come Sometime"

"We get an altogether different answer if we ask someone in this liberal group whether the Constitution will suffer from the New Deal. 'Absolutely not!' they will say. The New Deal has only speeded up changes which had to come anyway. If those changes were delayed, we would only stretch out our period of maladjustment and suffering over a longer time. The New Deal has freed the Constitution to develop more rapidly. It has removed the dead weight of nineteenth century tradition.

"This point of view has recently become more and more popular and is replacing the other point of view. It is probable that the courts will find no violations of the Constitution serious enough to prevent a trial of the New Deal. And even if the Supreme Court should decide that some specific law is unconstitutional, it probably won't matter a great deal one way or the other.

Where the Danger Lies

"Despite the fact that the attitude of President Roosevelt and others is becoming popular, there are nevertheless some elements of danger in it. If we allow him to take more and more administrative power, more and more legislative power, and more and more power to interpret the Constitution as he wishes, can he not say to himself, 'If I have the authority to make the laws and see to it that they are administered, then why do I need Congress? It sometimes causes me a lot of trouble. I think I'll do away with it, or fill it with puppets, and make all the laws myself.' If this should ever come to pass, then we might truthfully say that Roosevelt is a dictator; that his government is like those of Mussolini in Italy and Hitler in Germany. At the present time, however, there doesn't seem to be much danger of this. What may happen in the years to come still remains to be seen."

At this point, the professor stopped, thanked his audience, and took his seat. The principal dismissed

everyone from the auditorium. And the students returned to their rooms, thinking to themselves. The professor had not really answered "yes" or "no" to any of their questions. But he had explained a great many things to them. They knew now some of the "whys and wherefores" of problems that had kept them wondering. And, best of all, they were now in a position where they could sit down and think through some of the coming problems for themselves.

Thinking It Over

Problem 1. How rapid has been the change in the rate at which men can move on land, on the water, or in the air? Get the latest records that you can for the speed of automobiles, motor boats, or airplanes and compare them with older records. Graph these records if you can find sufficient figures for a period of years. In Hart's *Technique of Social Progress* you will find many studies of the rate of change in man's ability to move and to do many other things.

Problem 2. Do great changes in the rate at which man can travel, or in the amount of power which man can control by means of levers, switches, and buttons tend to change the structure or constitution of society? How can you show your fellow-students that your view on this matter may be or probably is correct? Do not hope to prove that your view is correct. One thing that modern science is finding out is that it is becoming more and more impossible to prove anything to be certainly true

for all times. A society where men prove things absolutely true to their own complete satisfaction is likely to be one where there is much individual and group conflict. Too great certainty about truths that can never be certain has produced many wars and much violence. Beware of certainty about the uncertain.

Since this pamphlet is to be not chiefly read, believed, and remembered, but read, understood and tested, you may like to have some suggestions about various ways in which you may go about doing this somewhat scientifically.

Reading

Carefully read over the pamphlet to get the general drift of the professor's talk—making marks or writing comments in the margins if you like. Then reread the portion carefully and underline the more important statements. Having read and marked your copy in this way, then write an abstract of the professor's address.

Problem 3. Since no book will tell you much about "abstracts", you might ask a teacher in the social sciences or in the natural sciences about how important to scientists are the abstracts of chemical, biological, and sociological literature and how they are written and published.

Understanding

Now that you have written your abstract of the article to aid you in understanding the professor's address, you should be prepared either to read your abstract to your fellow-students or to state offhand what are the chief things you think the professor was trying to accomplish. As other students do the same, compare your understanding with that of your fellows and see if through discussion you can reach a fair degree of agreement as to what he was trying to accomplish. By such comparison you will check against gross errors of interpretation and clarify your own thinking.

Testing

At this point begins the most important part of the study—the testing of the chief propositions of the professor's address. This is a method that you, that statesmen, administrators of all sorts in business, government, and in education will need to use again and again in future years. The rapidity of change and the constant upspringing of new ideas make skill and method in testing such new theories very important.

There are two methods you may use to test the professor's propositions to determine whether or not they are probably approximately true—testing by the opinions or conclusions of authorities, and, second, testing by objective facts. The first is the older method and is immensely important. It is a method that men can never get away from although authorities, even scientific authorities, have often been wrong for years or for centuries at a time.

Problem 4. See if you can find instances in history where the scientific authorities have been wrong in their views.

Problem 5. Find, if you can, statements by authorities that are recognized as authorities that seem either to support or to weaken the position of the professor who addressed the high school. Having found evidence of this kind, then try to determine the amount of weight to be given to each of your authorities. Try to decide how much of an authority is he, and in just what line is he an authority. Is he as good an authority today as he was at some former period? Having considered these matters, the class acting as a jury may try to decide as to the probable truth of the professor's statements when tested by comparison with the views of authorities. Do the best authorities on the whole seem to support the position he has taken or do they take an opposite view? Or do they, so far as you can find, fail to meet the issues he raises?

Problem: Testing by Objective Facts. The other method of testing the truth of general propositions in regard to social matters is much more recent and is more closely related to the experimental and observational methods used in the natural sciences. It is coming to be more and more needed as a means of obtaining human safety in our new mile-a-minute (or is it five-miles-a-minute?) society.

Read selected parts of any good life of Franklin D. Roosevelt. What facts do you find in the book that either tend to sustain or disprove the professor's theses?

Roosevelt's own book, *Looking Forward*, in which he states his views on many matters, may be studied to see whether or not any of the views there expressed support or tend to disprove the statements of the professor. Booklet 19 on Land Utilization may be studied to determine if possible whether or not President Roosevelt believes the government of the United States should be an ever improved and more perfectly working government or whether he thinks of government as necessarily changing as much as the child changes in becoming a man or as much, possibly, as a caterpillar changes in becoming a moth. Further you may find in various histories something about the greater changes which have taken place in our Constitution. Have all the greater changes that have taken place been by the process of amendment prescribed in the Constitution or have some of the more important ones been through new ways of doing things followed by the people?

Further test the professor's views by taking the strongest expressions of the opposite views that you can find in periodicals or among the intelligent men and women that you know. Ask not which views you like best but which views represent very personal reactions and feelings especially and which views represent impersonal facts and observations.

Questions: What is the difference between facts and truths, if any? Would the views of the professor, if they should be widely adopted by the people and by Congress, tend to make the government more adaptable to changing conditions and the people more resourceful in meeting new social situations?

For Further Reading

Magazine Articles

- Adams, J. T.: "America's Real Job", *Scribner's*, April, 1933, pp. 127-203.
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- Corbin, J.: "New Deal and the Constitution", *Forum*, August, 1933, pp. 92-96.
- Frankfurter, F.: "United States Supreme Court Molding the Constitution", *Current History*, May, 1930, pp. 235-40.
- Hazlitt, H.: "Our Obsolete Constitution", *Nation*, Feb. 4, 1931, pp. 124-25.
- Malone, D.: "Jefferson and the New Deal", *Scribner's*, June, 1933, pp. 356-59.
- Pershing, J. J.: "Shall We Have a Dictator?", *American Mercury*, June, 1933.
- Seagle, W.: "Our Cast-Iron Constitution", *Nation*, Aug. 17, 1932, pp. 141-142.
- Straus, R. K.: "Roosevelt and the New Deal", *Forum*, April, 1933, pp. 207-13.

Books

- Beck, J. M.: *Our Wonderland of Bureaucracy*. (Macmillan, New York City, 1932, \$3.)
- Eriksson, Erik McKinley, and Rowe, David Nelson: *American Constitutional History*. (W. W. Norton & Co., N. Y. C., 1933.)
- Merriam, Charles Edward: *The Written Constitution and the Unwritten Attitude*. (R. R. Smith, Inc., N. Y. C., 1931.)
- Roosevelt, Franklin Delano: *Looking Forward*. (John Day Co., N. Y. C., 1933.)

A Word From the Editor

This booklet concludes the first set of twenty titles offered by the publishers in the Modern Problem Series. Critics have been generous in their comments and in their enthusiasm for the idea underlying the booklets. However, as the *Historical Outlook* says, the Unit Study Booklets "embody something of a new approach to the teaching of modern problems." The editor accordingly welcomes suggestions from all readers for the improvement and extension of the series. Which of the booklets have you most enjoyed? Which represents the most effective style of presentation? On what topics would you like to see additional booklets of the series published? Your comments will be appreciated.

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